

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the claims based on the following remarks. Claims 1-4, 6, 10-12, 14, 27-29, 31-34, 36-42, 44-48, and 50 are allowed.

Claims 15-20 and 23-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hamilton et al. U.S. Patent No. 6,562,192 ("Hamilton '192").

Respectfully, Hamilton '192 does not disclose all the limitations of independent claim 15.

Independent claim 15 claims a method for treating menses. The method includes forming a tampon including a nonwoven web material. At least one treatment chemistry is dispersed. The treatment chemistry is selected from water-soluble gelling agents which crosslink protein, thickening agents, plasma precipitators and combinations thereof. The treatment chemistry is intermingled with the polyolefin or pulp fibers forming the nonwoven web material. Also, the at least one treatment chemistry is contacted with menses.

Intermingling the treatment chemistry with the polyolefin or pulp fibers allows one to control the absorption and retention qualities of the web and to vary same throughout the tampon. This allows variation in constructing tampons as well as tailoring a particular tampon to the needs of particular users.

It is the Office Action's contention that claim 15 is anticipated by Hamilton '192. The Office Action contends that Hamilton '192 discloses "dispersing within the nonwoven nits comprising a treatment chemistry, as disclosed in column 47, lines 33-40." The Office Action further contends that "[t]he nits comprise pulp fibers, and the treatment chemistry is added to the pulp fibers prior to drying of the fibers, resulting in the treatment chemistry being present throughout the fibers, as disclosed in column 22, lines 24-25." (04/23/09 Office Action, p. 3.) The Office Action reasons that because Hamilton '192 discloses a treatment chemistry that can be in direct contact with the nonwoven web or segregated between different layers of the web that this discloses that the treatment chemistry is intermingled with the fibers comprising the web.

Respectfully, however, Hamilton '192 does not disclose, *inter alia*, treatment chemistry selected from the group consisting of water-soluble gelling agents which crosslink protein, thickening agents, plasma precipitators and combinations thereof

**intermingled with the polyolefin or pulp fibers forming said nonwoven web material.** Instead, Hamilton '192 discloses free-flowing nits that are separated from the fibers comprising the nonwoven material either by being enclosed in a pouch or by being enclosed in a space created between the layers of the web. Essentially, the nits are similar to grains of sand in a sandbag as they are either disposed in a pouch or constrained between two layers of the non-woven web. **The nits are not intermingled with the fibers of the web.**

Hamilton '192 discloses "**free flowing particles** useful in absorbent articles . . . including nits and methods of preparing fibrous nits." (Abstract.) The nits are produced by dispersing fibers, including dispersing fibers in the presence of a nit conditioner which modifies nit properties such as particle size. (Col. 1, ll. 35-39.)

Foremost, respectfully, the excerpts from Hamilton '192 used to support the Office Action's reasoning fail to do so. Hamilton '192 does disclose a tampon. However, it clearly explains that the nits are not intermingled with the web but are instead placed in a cover stock for containment:

In Example 15, a tampon is filled with nits with or without superabsorbent and **a nonwoven cover stock is wrapped around the nits for containment.**

(Col. 47, ll. 33-35.)

Again, respectfully, contrary to the position taken by the Office Action, Hamilton '192 at Col. 22, ll. 24-25 does not disclose that that treatment chemistry is added to the pulp fibers comprising the non-woven web. **Instead, this section refers to how the fibers comprising just the nits are formed:**

Without wishing to be bound by theory, it is believed that debonders on the surface of a fibrous nit can prevent bonding or clumping between nits and can enhance the lubricity of the nits relative to one another. Thus, it is believed that debonder selectively located on the outer surface of a nit will be more effective in terms of the performance of an absorbent article than debonder applied uniformly throughout the fibrous material of a nit. **However, in the manufacturing of nits, it has been found that debonder present throughout the pulp often improves the size distribution of the nits by reducing the size of the nits into a desired range.** Again, without wishing to be bound by theory, it is believed that

the presence of debonder increases the lubricity of fibers during a dispersing process and allows flocs to be broken up into smaller sized bundles. Thus, for example, a process that might result in a mean particle size of about 1 mm without debonder might yield a mean particle size of about 0.6 mm with 0.5% to 2% debonder present (weight percentage based on dry fiber mass).

(Hamilton '192,; Col. 22, ll. 16-34.)

Hamilton '192 explains that the nits are free-flowing particles that are not incorporated into the web. In fact, the particles must be contained in an enclosure within the article to prevent their escaping the article:

**The free-flowing particles of the present invention** can also be of value in many absorbent articles, particularly those adapted to conform to the body of a wearer, **exploiting the ability of free-flowing particles to deform and flow in response to the presence of a body while still maintaining high void volume, even when wet.** Thus, the free-flowing particles of the present invention could be used as an absorbent component in sanitary napkins (feminine care pads and related catamenial devices, including "ultra-thin" pads and pantliners and maxipads), incontinence pads, diapers, menstrual pants, disposable briefs for children (training pants), breast pads, bed pads, sweat absorbing pads, helmet liners, body-contacting absorbents for ostomy bags, wound dressings, and the like.

...

**The pouch 36 can be a nonwoven web or tissue web adapted to fully enclose the free-flowing particles 38.** However, it need not be a single material forming a complete encasement or envelope for the particles 38, but **can be formed by the interaction of a plurality of webs or absorbent layers to define a sealed volume capable of enclosing free-flowing particles 38.** For example, a pouch 36 can be formed by the interaction of a backsheet 26, an outer absorbent member 42 comprising a central void 44 for receiving free-flowing particles, and a topsheet 24, whereby **attachment of the various components serves to prevent the free-flowing particles 38 from escaping the article 20.**

(Hamilton '192, Col. 29, ll. 26-39; Col. 30, l. 63 – Col. 4, l. 7.)

FIGS. 2, 4B, 6A and 7 illustrate how the free-flowing nits are segregated from the remainder of the absorbent article in various embodiments instead of being intermingled with the nonwoven web as Applicant claims in claim 15.

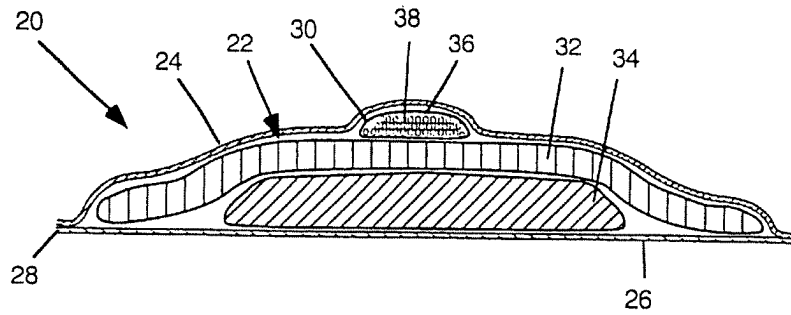


FIG. 2

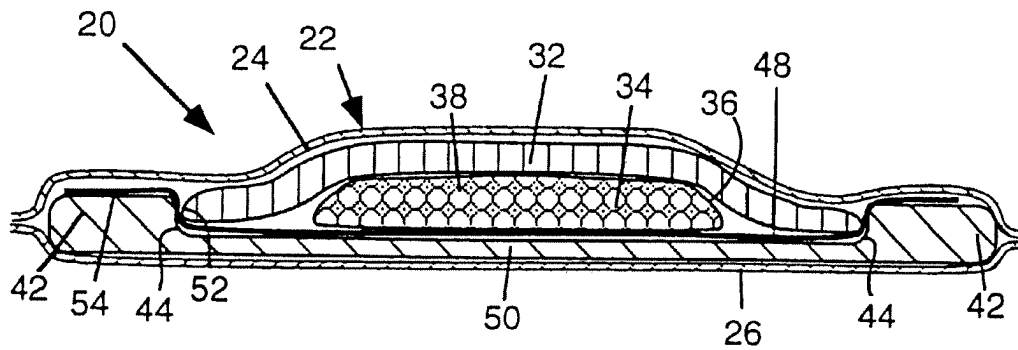


FIG. 4B

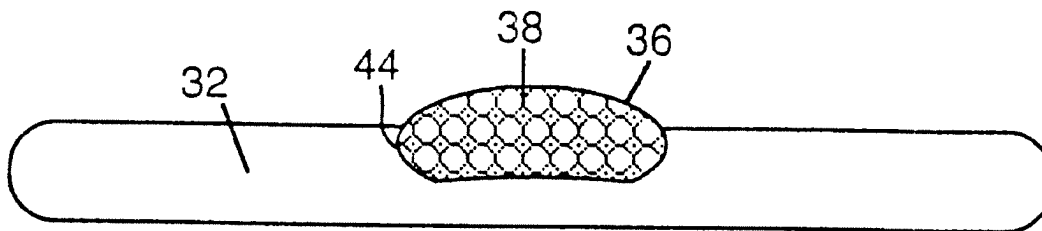


FIG. 6A

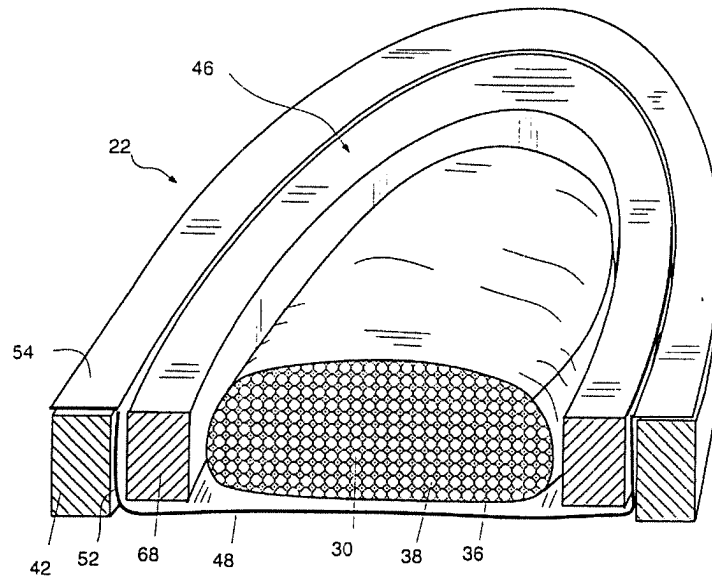


FIG. 7

As the Figures illustrate, the free-flowing nits are either contained in a pouch or contained in a space formed between layers of the web in order to keep the free-flowing particles contained in the article. The nits are meant to be free-flowing so that they can adjust to the different body styles of users. Further, the Hamilton '129 invention clearly does not contain nits that are intermingled with the web as the structure is designed to prevent the nits from escaping the structure. Clearly, the nits would not be free flowing nor would there be a need to design the invention to prevent them from escaping their designated space if they were intermingled with the fibers of the web as claimed by Applicant in claim 15. Respectfully, Hamilton '129 fails to anticipate Applicant's claim 15. Accordingly, the rejection of claim 15 pursuant to 35 U.S.C. § 102(e) should be withdrawn and the claims allowed.

The Office Action also rejected various dependent claims in view of Hamilton '192. Although such claims patentably define over the cited references for at least the reasons set forth above, Applicant also notes that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

For instance, Hamilton '192 does not disclose the limitation of claim 20 wherein the treatment chemistry is disposed non-homogenously within the nonwoven web


material. The Office Action cites Hamilton '192, Col. 30; II. 55-57 as providing this limitation. (04/23/09 Office Action, Page 4.) However, Col. 30: II. 55-57 explains that free flowing particles can be incorporated into one or more pouches wherein the contents of the pouch may be distinct types of particles, mixed or in a gradient form. Accordingly, Hamilton '192 does not disclose the element of a treatment chemistry being disposed non-homogenously within the nonwoven web material – instead it discloses that the contents of pouches that are separate from the nonwoven material may be non-homogenous. Moreover, as explained above, the free-flowing nits are not intermingled with the fibers comprising the non-woven web. Thus, the nits cannot be disposed non-homogenously within the nonwoven web. Accordingly, Hamilton '192 does not anticipate dependent claim 20 and the rejection should be withdrawn and the claim allowed.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Anderson is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

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